

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:21-cv-463-GCM
(3:93-cr-215-GCM-4)**

JERMAINE MAURICE PADGETT,)
)
 Petitioner,)
)
vs.)
)
UNITED STATES OF AMERICA,)
)
 Respondent.)
_____)

ORDER

THIS MATTER is before the Court on Petitioner’s Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody under 28 U.S.C. § 2255, filed through counsel. (Doc. No. 1).

A § 2255 petition “must ... be signed under penalty of perjury by the movant or a person authorized to sign it for the movant.” Rule 2(b)(5), 28 U.S.C. foll. § 2255. “[T]he appropriate remedy for a violation [of Rule 2(b)(5)] is to allow the movant to bring his motion into conformity with the rules rather than dismissing the motion outright.” United States v. Lopez, 570 F. App’x 291, 292 (4th Cir. 2014).

Here, the § 2255 Motion to Vacate is not signed by Petitioner or a person authorized to sign for him under penalty of perjury. Petitioner shall, within fourteen (14) days of this Order, verify the § 2255 Motion to Vacate. Petitioner is cautioned that the failure to comply with this Order will likely result in dismissal of this case without further notice.

IT IS, THEREFORE, ORDERED that no later than **fourteen (14) days** from entry of this Order, Petitioner shall verify the § 2255 Motion to Vacate. Failure to comply with this

Order will likely result in this case's dismissal without further notice.

Signed: September 8, 2021

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

